

**REMARKS**

Reconsideration of the present application is respectfully requested.

**I. Disposition of the claims**

Claims 9, 16, 18, and 24 are pending and rejected.

**II. Obviousness Double Patenting (ODP) rejection over claims of USPN 6,677,363**

Claims 9, 16, 18, and 24 are rejected over claims 1, 8, 10-11, and 14-15 of the '363 patent under the judicially created doctrine of ODP. Office action, pp. 2-3. The '363 patent issued from application no. 09/937,447, the parent application of the present '738 application. This paper is filed with a Terminal Disclaimer plus related papers and the Statutory Disclaimer fee under Rule 20(d) (\$130). Thus, the present rejection should be withdrawn.

**Conclusion**

It is believed that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 08-14-2007

By 

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

Sean A. Passino  
Attorney for Applicants  
Registration No. 45,943